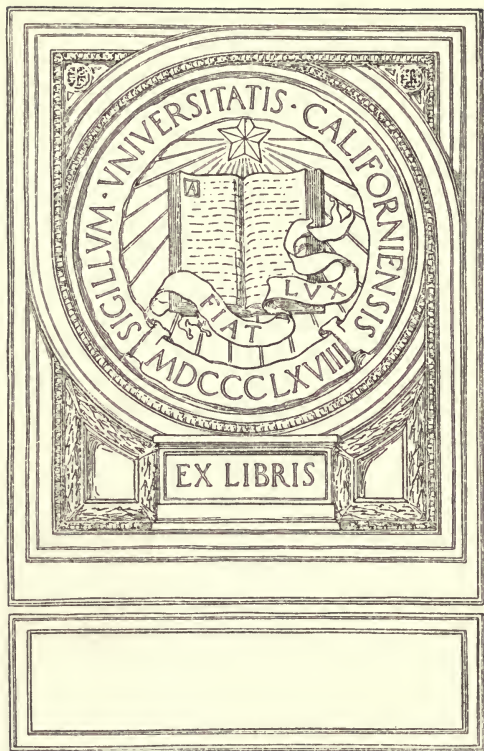


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THE JAPANESE CRISIS

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INFLUENTIAL California citizens have urged me to prepare these pages, on the ground that opportunities imply an obligation.

The personal experience to which they allude includes a residence of five years among the Japanese (1892-1897), in the educational service of the Imperial government, studying the language and learning something of oriental history and outlook; a citizenship of seven years in California (1908 to the present), with attendance—as a visitor—on two sessions of the legislature, including that which passed the Alien Land Law; and a prolonged familiarity with race problems as they exist in the South, resulting in an appreciation of their difficulty and a suspicion of offhand solutions.

The obligation, once pointed out, seems

plain. That there is a Japanese-American problem is indicated not only by the intermittent eruptions of the "yellow press" in both countries,—none the less mischievous because irresponsible and frequently mendacious,—but by the publication of serious and thoughtful volumes of well tempered discussion, by the organization of such mutual benefit associations as the Japan Society and the Asiatic Institute in New York and the *Nichi Bei Dōshi Kwai* ("Japan-America One Aim Society") in Tōkyō, and by the concern which the two governments manifest when periods of agitation recur. In view of the immense mass of grotesque misrepresentation with which the public is intermittently deluged, it becomes the duty of all those who have had experience with both sides of the problem to contribute toward a just balance of view. Few things could please the present writer more than the ability to assist, even in the remotest degree, in bringing about a better understanding between sincere and earnest groups of friends on both

sides of the Pacific, whose chief need is precisely this of mutual comprehension.

My pupils in the old feudal city of Saga used to be fond of recounting the quaint fable of The Two Frogs—one living in Kyōto, the other in Ōsaka—who set out each to see the other's city. When they met on the top of the hill between the two towns they saluted, and then stood up and took a look, whereupon each frogship remarked:

“Huh! I have seen nothing new nor interesting nor different! Your city is exactly like my own”—and hopped back to his former habitudes of thought and action, not a bit the wiser.

Unfortunately for their better understanding, frogs' eyes are so placed that these two upstanding travelers, thinking to look forward, really looked backwards; the Ōsaka frog saw Ōsaka, but thought he had seen Kyōto, while the Kyōto frog hopped complacently homeward and became an authority, ever afterwards, on the thesis that there was no need in trying to get the view-point

of Ōsaka, seeing it was just exactly like home.

The point of this fable, of course, is in its application. Japan and America are infinitely more different than these two Japanese cities. Shall we who look across the Pacific see with understanding, eye to eye, or envisage each the problem of the other in terms of backward-looking provincialism?

*CALIFORNIA AND THE OPENING OF
JAPAN*

CALIFORNIA AND THE OPENING OF JAPAN

A WRONG impression is conveyed by the usual account of Commodore Perry's famous entry into the Bay of Yedo. Missionary books and addresses frequently emphasize the story of a Sunday morning with the capstan draped in an American flag and the ship's company singing Old Hundred, as if this were the chief device adopted for opening the gates that had been shut for two hundred and sixty-eight years. But in Hawks's vivacious "Narrative" it is another story.

"The next day was Sunday (July 10th), and, as usual, divine service was held on board the ships"—that is the only reference to the first Sunday service.¹

¹ Hawks, F. L., "Narrative of the Expedition of an American Squadron to the China Seas and Japan, performed in the years 1852, 1853, and 1854, under the Command of Commodore M. C. Perry, United States Navy; by Order of the Government of the United States, compiled from the Original Notes and Journals of Commodore

On the other hand, we get vivid items like these:

“As the ships neared the bay, signals were made from the Commodore, and instantly the decks were cleared for action, the guns being placed in position and shotted, the ammunition arranged, the small arms made ready, sentinels and men at their posts, and, in short, all the preparations made, usual before meeting an enemy.² . . . The question of landing by force was left to be decided by the development of succeeding events; it was, of course, the very last measure to be resorted to, and the last that was desired; but in order to be prepared for the worst, the Commodore caused the ships constantly to be kept in perfect readiness, and the crews to be drilled as thoroughly as they are in time of active war.”³

A contemporary native writer declared that “the popular commotion in Yedo at the

Perry and His Officers, at his request, and under his supervision”: New York and London, 1857; p. 240.

² Hawks, F. L., as cited, p. 231.

³ Hawks, F. L., as cited, p. 235.

news of 'a foreign invasion' was beyond description. The whole city was in an uproar. In all directions were seen mothers flying with children in their arms, and men with mothers on their backs. Rumors of an immediate action, exaggerated each time they were communicated from mouth to mouth, added horror to the horror-stricken."⁴

The Japanese made a virtue of necessity, and friendly relations were established without bloodshed. The Perry Narrative goes on to show that when reluctant native officials at length visited the ships, the consolations extended to them were of a spirituous rather than spiritual character, as the following comment indicates:

"In receiving the hospitalities of their hosts, it may be remarked that they partook freely, and seemed to relish particularly the whisky and brandy which formed part of the entertainment. The governor especially

⁴ Nitobe, I., "The Intercourse between the United States and Japan," cited in Larned's History for Ready Reference, under Japan, 1852-1888: Springfield, 1895, vol. iii, p. 1877.

appeared to appreciate the foreign liquors, particularly when mixed with sugar, and smacked his lips with great gusto, as he drained his glass to its last sweetened dregs. His interpreters, in the growing freedom of convivial enjoyment, made merry over his highness' bacchanalian proclivity."⁵

The combination of fire arms and fire water looms very large in the list of official gifts afterwards presented by the Americans to the Japanese. Following are the first items mentioned:

1 box of arms, containing—

5 Hall's rifles,	}	Emperor
3 Maynard's muskets,		
12 cavalry swords,		
6 artillery swords,		
1 carbine,		
20 army pistols,		

2 carbines, cartridge boxes, and belts,
containing 120 cartridges.

10 Hall's rifles.

11 cavalry swords.

⁵ Hawks, F. L., as cited, p. 248.

1 carbine, cartridge box and belts,
and 60 cartridges.

1 box books, Emperor.

1 box dressing-cases, Emperor.

1 box perfumery, 2 packages, Emperor.

1 barrel whisky, Emperor.

1 cask wine, Emperor.

1 box for distribution.

1 box containing 11 pistols, for distribution.

A quantity of cherry cordials, distribution.

A quantity of cherry cordials, Emperor.

A number of baskets champagne, Emperor.

A number of baskets champagne, commissioners, etc., etc.⁶

Perry's primary object, on the occasion of his first visit, was to secure respectful consideration for a letter directed to the Emperor by President Fillmore. When the Japanese governor first came on board the flag ship, "the original letter of the President, together with the Commodore's letter

⁶ Hawks, F. L., as cited, p. 356, note.

of credence, incased in the magnificent boxes which had been prepared in Washington, were shown to his excellency, who was evidently greatly impressed with their exquisite workmanship and costliness."

The Commodore quite properly refused to deliver this letter until assured that it would be presented to the Shōgun himself—whom he always mistook for the Emperor. The Narrative's description of the final procession of presentation is a delicious bit of writing:

"The marines led the way, and the sailors following, the Commodore was duly escorted up the beach. The United States flag and the broad pennant were borne by two athletic seamen, who had been selected from the crews of the squadron on account of their stalwart proportions. Two boys, dressed for the ceremony, preceded the Commodore, bearing in an envelope of scarlet cloth the boxes which contained his credentials and the President's letter. These documents, of folio size, were beautifully written on vellum,

and not folded, but bound in blue silk velvet. Each seal, attached by cords of interwoven gold and silk with pendant gold tassels, was incased in a circular box six inches in diameter and three in depth, wrought of pure gold. Each of the documents together with its seal, was placed in a box of rosewood about a foot long, with lock, hinges, and mountings, all of gold. On either side of the Commodore marched a tall, well-formed negro, who, armed to the teeth, acted as his personal guard. These blacks, selected for the occasion, were two of the best looking fellows of their color that the squadron could furnish. All this, of course, was but for effect.”⁷

It is important for all Americans, but especially for Californians, to recall and constantly to bear in mind the principal contents of this Presidential letter, presented at the barred gates of Japan with a fleet to enforce its acceptance if pomp and mellow conviviality should fail.

⁷ Hawks, F. L., as cited, pp. 254-255.

"Our great State of California," wrote President Fillmore, "produces about sixty millions of dollars in gold every year, besides silver, quicksilver, precious stones, and many other valuable articles. . . . I am desirous that our two countries should trade with each other." ⁸

Again:

"I have directed Commodore Perry to mention another thing to your imperial majesty. Many of our ships pass every year from California to China; and great numbers of our people pursue the whale fishery near the shores of Japan. It sometimes happens, in stormy weather, that one of our ships is wrecked on your imperial majesty's shores. In all such cases we ask, and expect, that our unfortunate people should be treated with kindness, and that their property should be protected, till we can send a vessel and bring them away. We are very much in earnest in this.

"Commodore Perry is also directed by me

⁸ Hawks, F. L., as cited, p. 256.

to represent to your imperial majesty that we understand there is a great abundance of coal and provisions in the Empire of Japan. Our steamships, in crossing the great ocean, burn a great deal of coal, and it is not convenient to bring it all the way from America. We wish that our steamships and other vessels should be allowed to stop in Japan and supply themselves with coal, provisions, and water. . . . We are very desirous of this.”⁹

There can be no doubt that the extension of California commerce, made suddenly important in consequence of the recent discovery of gold, was the chief argument used with Japan in our successful effort to open the gates that Iyeyasu had barred.

It was California commerce that opened Japan's gates to the world, and fair play, as well as self interest, forbids that any ill-considered act of ours should write the name of Janus across them. Seward once eloquently declared that “the Pacific Ocean, its

⁹ Hawks, F. L., as cited, p. 257.

shores, its islands, and its adjacent territories will become the chief theater of human events and activities in the world's great hereafter." With such a vision in their eyes, Japan and America should be sagacious enough to perceive that the Pacific must ever be kept true to its name if their argosies are to weave back and forth across its breast a cloth of gold.

*THE COMING OF THE JAPANESE
TO CALIFORNIA*

THE COMING OF THE JAPANESE TO CALIFORNIA

COMMODORE PERRY, acting for the United States, signed (in 1854), conjointly with the representatives of the Japanese government, the first treaty Japan had ever made with any western power. The first article in that treaty read as follows:

“There shall be a perfect, permanent, and universal peace and a sincere and cordial amity, between the United States of America, on the one part, and the Empire of Japan on the other, and between their people, respectively, without exception of persons or places.”¹

Friendship between the two nations and peoples was steadily fostered from this time forward. The excellent influence of early American teachers resident in Japan can hardly be overestimated. Through one of these the Great Embassy of 1871 was in-

¹ Hawks, F. L., as cited, p. 378.

spired, following the route he outlined, submitting to his judgment in the matter of appointments, and, by acquainting Japan at first hand with the nations of the outside world, bringing an appreciation of America that led to its characterization, in the common parlance of the populace, as the *Dai On Jin*, or Great Friendly People. And the Americans, by their warm and generous sympathy, fairly earned the title. From the days of Townsend Harris to the period of the Russian War, America almost uniformly took the part of Japan as against European aggressiveness, admiring the independence and ability of this plucky and open-minded little nation, which we marveled to see advancing, within a short half-century, from the snug seclusion of a fascinating but impracticable curio-box to a position of modern world-leadership.

California joined in this admiration no whit less heartily than the other states of the Union so long as, like them, she could

view Japan from afar. It ought to be understood at the outset that the jar of physical contact alone, due to Japanese immigration, beginning in 1885, reaching a climax in 1900, and steadily localizing in California, so that three-fifths of all the Japanese in this country are now living within the borders of this single state—that is the sole explanation of the diminution, as respects California, of mutual friendly regard.

In the first stages of such physical contact, racial antipathy is inevitable; being cleverly hit off by the overheard conversation of two British hod-carriers reported by *Punch*, as follows:

“Bill, there goes a furriner!”

“’Eave ’arf a brick at ’im!”

As Baron Kaneko learnedly remarks, “racial antipathy is only a spontaneous phenomenon of human psychology. But, nevertheless, the progress of man, of civilization, is, in a sense, a systematic restraint of his innate propensities, and if so, the racial

feeling, among others, must be controlled and suppressed by all means.”²

In California the Japanese, notwithstanding exceptional qualities and genuine likeableness, encountered accidental misfortune: they inherited the deeply seated California prejudice against the Chinese.

Now, few contrasts are more striking than that between Japanese quarters and the “Chinatowns” of Pacific coast cities. Mr. Chester Rowell has drawn this comparison effectively. “There is no law in Chinatown. The slave traffic is open and notorious, and slave pens, with bought slave girls peering through the barred windows, are a familiar sight. The most respected occupations of the leading Chinese citizens are gambling and lottery. . . . The governing bodies of Chinatown are the rival companies or ‘tongs,’ which enforce their decrees and settle their feuds by murder. . . . Chinese gambling joints are actual fortresses, with steel doors,

² Kaneko, K., in “Japan’s Message to America”: Tōkyō, 1914; p. 9.

sentries, and a labyrinth of secret exits. They are an open, fortified defiance of law, and are a source of almost universal police graft. . . . Sanitary conditions are unspeakable and sanitary regulations are unenforceable. . . . The Japanese in the beginning congregate on the borders of Chinatown, but they build better and cleaner houses and admit some air to them. They adopt American clothing at once, and American customs very rapidly. . . . The general aspect of life is cheerful and attractive, and the Japanese themselves, from the highest to the lowest, are a delightfully polite and genial people. . . . They develop a civic sense, public spirit, and moral leadership.”³

At the time when the Japanese began to enter California in noticeable numbers this marked distinction, however, could naturally not be appreciated. Coming from the same quarter of the globe as the Chinese, whom they superficially resemble, and coming, too,

³ “Annals of the American Academy of Political and Social Science,” vol. xxxiv, no. 2: Philadelphia, 1909; pp. 226-227.

precisely at the time when San Francisco was demanding a re-enactment of the Chinese exclusion law, the Japanese naturally fell heir to the anti-Chinese prejudice. At the mass meeting of May 7, 1900, San Francisco citizens passed a resolution urging Congress not only to re-enact the Chinese exclusion law, but also to adopt such measures as might be necessary for the total exclusion of all classes of Japanese other than members of the diplomatic staff.⁴

Professor Millis, whose study of the question has covered about a dozen years, believes that this unlucky inheritance of anti-Chinese prejudice, due to coincidence in time and to superficial racial resemblance, has colored the whole history of the Japanese in this country, especially in California.⁵

In spite of the San Francisco mass meeting, scant popular interest was felt throughout the state in the exclusion or restriction

⁴ Millis, H. A., "The Japanese Problem in the United States;" New York, 1915; p. 12. Derived from "Reports of Immigration Commission," vol. 23, p. 167.

⁵ Millis, as cited, pp. 240-241.

of Japanese immigration until the San Francisco *Chronicle* opened, in 1905, a campaign which proved highly successful. At that time an enlarged stream by way of Honolulu was emptying itself into the bay of San Francisco, "where it was made conspicuously evident by all the circumstances connected with disembarkation, boarding and lodging, and subsequent employment."⁶ No less than thirty-six "emigration companies" were engaged at this time in exporting Japanese laborers, with capital assets ranging all the way from 20,000 to 1,000,000 yen.⁷ In opening its ~~attack~~, the *Chronicle* pointed out that the Japanese population of California had grown from eighty-six in 1880 to 35,000 in 1905, with immigration rapidly increasing. It claims to have based its opposition not on race prejudice, but on the economic doctrine of the danger of competition between American labor and that of a race "fully as capable as our own and hav-

⁶ Millis, as cited, p. 13.

⁷ Yoshida, Y., "Sources and Causes of Japanese Emigration," in "Annals," as cited, p. 165, note.

* ing the added advantage of being inured by centuries of self-denial to a mode of life to which we do not wish to conform, even if we had the ability to do so.”⁸

✓ The *Chronicle* opened its campaign in February, 1905. On March 1 the legislature unanimously requested Congress to restrict the further immigration of Japanese laborers, and in May the Asiatic Exclusion League was organized in San Francisco. * The constituency of this League was at that time influential in control of the municipal government, with the result that on May 6 * the Board of Education declared its determination to establish separate schools for oriental pupils. After the great fire of 1906 * this “separate school order” was passed, and the Japanese-California problem became an international issue. This whole agitation led ultimately (in 1907) to the “Gentlemen’s Agreement” brought about by President Roosevelt with the Japanese government,

⁸ Young, J. P., an editor of the *Chronicle*, in “Annals,” as cited, pp. 233-234.

which undertook to prevent a further emigration of laborers, or, rather, to limit the issuance of passports to non-laborers, and to those laborers "who, in coming to the continent, seek to resume a formerly acquired domicile, to join a parent, wife, or children residing here, or to assume active control of an already possessed interest in a farming enterprise."

In the same year the President issued an order directed against a large immigration of Japanese by way of Mexico, Canada, and Hawaii; passports having been obtained for entrance to these countries, in order to effect ultimate entrance to the continental United States—"lawfully previous to the issue of the President's order of March 14, 1907, surreptitiously ever since."⁹

Opponents of Japanese immigration find a vulnerable point in the "Gentlemen's Agreement" in the understanding which allows "non-laborers," that is to say, women,

⁹ "Reports of the Immigration Commission," vol. 23, p. 15, quoted by Millis, as cited, p. 11.

to come in unhindered as "Picture Brides." "If there are 55,000 Japanese men in the state (or 100,000, as the Exclusion League guesses) the privilege of each to send his photograph to Japan and marry it to a wife means a possible immediate increase of the population to 110,000 (or 200,000) with the potential permanent increase of the progeny of these marriages. These wives, of course, also increase the tendency of the Japanese to seek more fixed occupations. The picture bride is not permitted to leave Japan until her photograph husband has provided a place for her. 'Catch 'em wife' is one of the motives commonly assigned by Japanese for taking up land leases. To these must be added whatever Japanese slip in from Mexico. The Exclusion League insists that there is a constant stream of Japanese immigration to insignificant Mexican ports near the border, with no increase in the Japanese population of those ports and no sign of its absorption elsewhere in Mexico." ¹⁰

¹⁰ Rowell, C. H., "The Japanese in California," in *The World's Work*: New York, June, 1913.

Americans unacquainted with Japanese customs have branded these quaint transactions in "Picture Brides" as being merely a cunning device for evading the spirit of the "Gentlemen's Agreement." As a matter of fact, however, marriages are often arranged by this means in Japan, and sometimes without even a photograph acquaintance. The present writer knew a young Japanese who, according to the well-known *naka-dachi* or "go-between" system, asked an elderly friend to go up the river and find a wife for him. On returning, the "go-between" reported to the groom-elect that he had found two suitable sisters, and asked which one was preferred. The young man expressed a preference for the younger. But the older man, on further consideration, decided that the elder girl would suit better.

"Oh, all right," replied the groom; "it's a matter of no consequence to me."

To us such methods of matrimony may seem amusing, but many of our own customs are equally amusing to the Japanese. The

point is, that the "Picture Brides" system is merely an adaptation of Japanese marriage customs to new and strange conditions, and it is difficult to see how those critics who so strongly oppose racial intermarriage can consistently object to an arrangement with the opposite tendency. Dr. Gulick not only sees nothing to criticize in this procedure, but, on the contrary, regards it as exceedingly wise, and well calculated, in the circumstances, to secure the best possible results. The marriages, as a rule, are successful, only about one per cent having thus far ended in divorce.¹¹

The "Gentlemen's Agreement," which is still in force, seemed to the majority of California citizens entirely satisfactory in its operation until, in 1913, by a complication of extraordinary circumstances, the legislature passed the Alien Land Law, which will be considered in its place. Meanwhile it is interesting to remember that of the 95,000

¹¹ Gulick, S. L., "The American Japanese Problem": New York, 1914; p. 95.

Japanese in the United States, 55,000 are found in California, or about three-fifths of the whole; Washington ranking next with one-sixth, and the matter being negligible elsewhere, except, of course—and this is a large exception!—as it affects the nation politically.

Not only is the Japanese population heavily localized in California, but, within the state itself, large masses are concentrated in restricted communities. Los Angeles county, the home of the writer, contains 11,500, or more than one-fourth of the total; 8,000 living in the city of Los Angeles, and 7,000 in San Francisco. As Mr. Rowell says, there is very little organized anti-Japanese sentiment in Southern California, as this is the non-union section of the state, the opposition being strongest in the closely unionized northern cities. Moreover, Japanese landholdings in the southern section are relatively insignificant, whereas in certain narrowly circumscribed northern localities may be found “a miniature of Hawaiian so-

cial conditions," from which "the most intense feeling" arises.¹²

This is due largely to the all-important fact that the immigrants have tended to concentrate not only in a few restricted localities, but in a single occupation, that of farming; 65 per cent of the Japanese in California being engaged in agriculture, 15 per cent in domestic service and 15 per cent in various services to their fellow countrymen, and the remaining 5 per cent as officials, professionals, and students.¹³

Rowell shows—and this is most important—that the principal production of the state is really dominated by the Japanese. On the farms operated by Japanese, practically all the labor (96 per cent) is also Japanese. On the farms operated by white farmers, according to the investigation made in 1909, of the total labor employed, 54 per cent was white, 36 per cent Japanese, and the remaining 10 per cent Japanese, Mexicans, Hin-

¹² Rowell, C. H., in *The World's Work*, as cited, p. 198.

¹³ "Special State Investigation of 1909," given as Appendix B by Gulick, as cited.

dus, and Indians. But the most striking fact is the classification of occupations. For instance, counting the farms of white farmers alone, nearly nine-tenths of the berries, two-thirds of the sugar-beets, more than half of the grapes and nursery products, 46 per cent of the vegetables, and more than one-third of the citrus and deciduous fruits, were raised by Japanese labor. At the other extreme, of hops only 8 per cent and of hay and of grain only 6 per cent were raised by Japanese labor, and of miscellaneous crops less than 20 per cent. On farms where whites were employed exclusively, no berries nor nursery products were grown, and few vegetables, except beans. In other words, while the Japanese do an inconsiderable part of the entire business of California, and very little of those sorts of farming which California has in common with other states, they practically dominate the labor of the characteristic and horticultural productions of California.¹⁴

¹⁴ Rowell, C. H., in *The World's Work*, as cited, pp.

In justice to California it should always be clearly remembered that no arrogant prejudice against the Japanese as of inferior quality contributes to the concern of our thoughtful people in this problem. The most vehement statement of opposition to all forms of Japanese immigration ever brought to the writer's notice contains the words: "We know that in many respects they are racially superior to us." Another

198-199. He adds: "The explanation is found in the peculiarly migratory conditions of California farm labor. The fruit crops are seasonal. They require a great deal of labor for a short time every year, and very little labor the rest of the year. Fortunately, the seasonal demand varies with the different fruits. There is a harvest of some sort going on somewhere in California practically every month of the year. Oranges, for instance, ripen in midwinter, grapes in the fall, deciduous fruits in the summer, and berries in the spring. There is plenty of work, but not continuously in any one place. If farms are large, producing much fruit and few human beings, this work can only be done by migratory labor. Much of the work, also, like thinning sugar beets, or cutting raisin grapes, must be done squatting. Oriental labor adapts itself to both these conditions, and since the Chinese have grown old and few, the Japanese have taken their places." (Their habit of sitting on the floor has inured the Japanese to squatting, so that in the squatting occupations they greatly surpass white labor in efficiency. White labor, moreover, with its devotion to home, is non-migratory.—J. A. B. S.)

strong statement of a similar character closes with the significant language,—“I am not at all satisfied in my own mind that the Japanese are not as a people potentially superior to us. However, we have the lead in the development of democracy and should keep at this work, without actual hindrance, for the good of the world.”

Enough has already been written to show that there was a California-Japanese problem previous to the enactment of the Alien Land Law in 1913. Before we consider that law it may be well to examine three questions—nationalistic, sociological, and economic—which Californians who are brought into daily contact with the Japanese are constantly asking, and which contain the gist of the problem as seen from the California viewpoint.

IS JAPAN MILITANT?

IS JAPAN MILITANT?

CALIFORNIA is little given to "war scares," being inclined to laugh at the fulminations of perfervid *Merrimac* heroes and to frown on the misrepresentations of Hearst newspapers as malicious and mischievous.¹ But she increasingly reads Japanese history, and observes current events in the Orient. She knows the old Japanese proverb, "Among flowers, the cherry, among men, the warrior," and wonders whether the military ideals of *Bushidō*, "the Way of the Warrior," are ascendant in modern times as in ancient. She has learned that the institution of *hara-kiri* originated in an age-long military drill; the highest test of physical courage being the willingness to yield one's own life, and this ceremonial of suicide at behest of a superior being so schooled by constant rehearsal into the minds of young samurai that when facing the test of supreme surrender they were

¹ "If one dog barks a falsehood, ten thousand others spread it as a truth."—Japanese proverb.

able to meet the bloody reality without a tremor and with perfect composure.²

This elaboration of suicide into a national institution, practised and belauded for centuries, is the classic example of militaristic drill; has it inscribed an ineffaceable character, or are the Japanese, like the Americans, now would-be patrons of peace?

It is by no means an idle curiosity that prompts this question. Japanese genius has appropriated to such purpose occidental lessons in hygiene and medicine, sanitation and surgery, that Japan's population has doubled since western civilization was adopted.³ Only one-twelfth, or thereabouts, of the native territory is arable, and the people must live. As this pressure of population pushes out into unoccupied territory here and there on the surface of the globe, at such points as Hawaii and Mexico and South America, will

² Murray, D., "Japan": New York, 1901; p. 286. A. B. Mitford, in the Appendix of his "Tales of Old Japan" (London, 1888), has given a most graphic and impressive account of this remarkable ceremony and its effects.

³ Gulick, S. L., as cited, p. 236.

the colonists become politically acclimatized, or will these lands become Japanese colonies? Will the home government be content to see its subjects happily assimilated by foreign governments, or will it insist on a "benevolent assimilation" of its own? In other words, is Japan bent on the ambition of becoming a world-wide colonial power, by military domination like that of the greater European governments, or will it cast off its samurai armor and join America as a *Dai On Jin* ("great friendly nation") in quest of the day when, as Victor Hugo eloquently prophesied, the only battlefield will be the market opening to commerce and the mind to new ideas?

My own experience in contact with the mind of young Japan was not encouraging. I shall not soon forget the result when I once assigned to an advanced class of students an essay on the subject, "Why I Study English," and the naïve conclusion of one of the brightest lads appeared as follows:

"The English is the language of the most

strongest nations. Whosoever wish to conquer any country, he must know the country and get the people's confidence. But this will not be done without he understand the language. Now we will learn the English. And then our navy shall sail across the sea, we will conquer England, we will conquer also our dear Teacher's country, and the flag of Great Japan will wave above the all world."

Of course I should not cite this emanation of a single youthful mind if it were not typical of much of the thought of young Japan as I knew it. On the other hand, it is also a matter of fact that the two greatest constructive leaders that Japan has developed from among its common people have been distinguished not so much for martial prowess as for supreme achievements that could not have come about except by and through peace.

The first was Iyeyasu, founder of the Tokugawa shogunate, whose splendid tomb is the central shrine of beautiful Nikkō. He

was the last and greatest of a medieval triumvirate. Like his two predecessors, Iyeyasu was an able general. Unlike them, he knew the value of peace for the real development of a people. His first act was to found Yedo—now Tōkyō—as his capital. Foreseeing the future greatness of this “door of the bay,” he set an army of three hundred thousand laborers to work in the sunken marshes or upon the towering hills, grading streets and cutting canals. His faith was justified within a half-century, for the new capital by that time held a quarter-million inhabitants. Further, he established easy communication between the new capital and the old, at Kyōto, building a great road of over three hundred miles (it is still a good road) with fifty-two stations for shelter and supplies. Indeed, he marked out the width of all the roadways of the Empire, arranged ferries, and provided for the regulation of society. Then, having shut out the disturbing influence of meddlesome foreigners by the drastic

enforcement of an uncompromising Act of Exclusion, he brought about a revival of letters and assiduously sent all of his subjects to school, having founded for this purpose a peace that lasted unbroken for two hundred and sixty-eight years, or until Perry knocked at his "door of the bay" in 1853. There was nothing magical about Perry's performance whatsoever. The Japanese were ready for his coming, because they had enjoyed two and a half centuries of assiduous, unbroken schooling. And the Japanese are prouder of Iyeyasu to-day than of any of the mighty warriors who preceded him. Their chief feudal hero was a peacemaker.

The second greatest name in Japanese popular history is perhaps that of Itō—every whit as great among moderns as Iyeyasu among feudal leaders. He fell (in 1909) at the hands of an assassin, but no hand can strike down his monument, which, through the patronage of his master, the Meiji Emperor, is nothing less than Japan of to-day. In his country they said of him, *Hito-*

tabi ashi agureba, tenka ugoku ("when once he lifts his foot, the universe trembles"); and yet his chief weapon was not the sword, but the pen. It was he who inspired the death-warrant of feudalism, which meant the restoration of the Emperor to actual power, and it was Itō who wrote the Japanese constitution and then secured its establishment. His name is linked with almost every great work of constructive statesmanship in the history of new Japan.⁴ To do his stupendous task he required and desired peace, being driven to the side of war only when western nations had convinced Japan that the sole way to secure just recognition was through war.

Is war, then, the chief ideal or ambition of the Japanese people? Iyeyasu, not Nobunaga or Hideyoshi, is their feudal hero. Itō, not Nogi or Togo, is their hero to-day, next to the late Emperor, whose name (Mutsuhito, "the meek man") symbolizes the peace

⁴ Brinkley, F., "Japan": Boston and Tōkyō, 1902; vol. iv, p. 236.

which was undoubtedly his cherished desire.

Certainly it is true to-day, however, that a large number of Americans, especially on the Pacific coast, believe that the ideals and ambitions of Japan are concerned chiefly with war. Even so sane and thoughtful a Californian as George H. Maxwell, in a book attacking American militarism and suggesting a noble substitute for it, conjures—with the aid of Homer Lea—vivid pictures of Japanese military aggressiveness.⁵ He says, however, that there are no people on earth who more richly deserve and merit the good will of other nations;⁶ and adds the noteworthy words: “The present European war is the result of primary causes that were so deeply rooted in wrong and injustice, that no human power could eradicate them. It is different with Japan. We have no long standing or deeply rooted

⁵ Maxwell, G. H., “Our National Defense, or, the Patriotism of Peace”: Washington and New Orleans, 1915; chapters vi, vii, x.

⁶ p. 136.

controversy with Japan and we need never have *if we meet the economic problem.*"⁷

The writer believes that Japan's most serious economic problem—namely, the pressure of an already dense and rapidly increasing population within a narrowly restricted and largely unarable territory—may well be solved on the adjacent mainland of Asia. Mr. Y. Takekoshi, M.P., discussing his Empire's colonial policy, has said:

"Korea has room for ten million immigrants, and Formosa for two million. So we have to-day both colonies and colonists, like England. We do not need any more colonies than we already have. Any one who attempts to acquire more would act contrary to the sound Imperial policy, and for his own private adventure. Japan's Imperial policy to-day calls for the development of Korea and of Manchuria, as well as of Formosa, and Japan's colonial policy

⁷ Maxwell, G. H., as cited, pp. 155–156. (Italics, the present writer's.)

should not be otherwise than to fulfil her responsibility toward these lands.”⁸

As for the frequently bruited alarums about Japan's desire to colonize and afterwards control the Philippine Islands, a glance at the map will show that Korea and Manchuria lie far north of the tropical Philippines. The Japanese, like ourselves, are acclimatized to the temperate zone, and do not thrive in the tropics. Their experience even in Formosa has been disastrous. Professor Story of Harvard says of Japanese settlers: “They have never been a strong element in the Philippines, even in the long period of Spanish rule. Japan's surplus population is just now expanding in the direction of the mainland, chiefly into Korea and its hinterland. From the Japanese element of the immigration into the Philippines, the United States and the Philippine government need not expect any

⁸ Japan's Colonial Policy, in “Japan's Message to America”: Tōkyō, 1914; pp. 110-111.

serious problem.”⁹ Dr. Murray Bartlett, formerly President of the University of the Philippines, is willing to be quoted to the same effect.

Journalists and other people who talk glibly of Japan's engaging in expensive foreign wars should familiarize themselves with the disastrous sequel of the “glorious victory” over Russia. When the Japanese troops returned they were everywhere acclaimed by immense multitudes; meats and drinks and garlands were lavished on them, while the Emperor himself paid homage to his illustrious servants; but—to follow a European eye-witness who has poignantly described what ensued when the shouting and the tumult died,—it happened that when these triumphant and fêted warriors returned to their homes and their domestic duties, they found themselves face to face with the most sordid cares of life; and that,

⁹ Story, R. M., “Oriental Immigration into the Philippines,” in “Annals,” as cited, p. 170.

in many cases, the old soldier had to seek vainly for so much work as would fill even the thin larder of a Japanese household; and to go starving from the home of a starving wife and starving children.

M. Naudeau, in his brilliant work on Modern Japan, which was "crowned" by the French Academy,¹⁰ has cited some startling figures. The war with China, in 1894, brought the Japanese budget up from to 83,000,000 yen¹¹ annually to 168,000,000, while the war with Russia in 1904 lifted it to 505,000,000, and the public debt had risen enormously during the same period,—that is to say, from 4.40 yen per capita in 1893 to 46 yen thirteen years later, a ten-fold increase!

This gigantic burden involved, of course, equally gigantic taxes. Everything, says M. Naudeau, is taxed in Japan. There are taxes not only on liquors of all kinds, but also on such articles as sugar, medicines, and

¹⁰ Naudeau, L., "Le Japon Moderne; Son Evolution": Paris, 1911.

¹¹ A *yen* is fifty cents.

railway tickets, while tobacco, salt, and camphor have been taken over as government monopolies, and exorbitant prices affixed to them. In addition to an import duty of 15 per cent on manufactured articles, native manufactures are also heavily mulcted; while every citizen with an annual income of more than \$150 pays income tax. Chancellor Jordan, of Stanford University, said in a recent address that whereas in America his annual direct taxes amount to about \$120, with an equal sum in indirect taxes, if he lived in Japan he would have to pay \$4,500 a year on the same property and income.¹² "Japan pays very dearly for her glory," declares the French writer; "she pays in sufferings for which she can foresee no remedy. Japan grows in power and in prestige, but she immolates herself, and the pyre on which she writhes is built of piled-up miseries."¹³

Sympathy, and not suspicion, should we give her at this time, leading her thoughts

¹² *California Outlook*, October, 1915.

¹³ Naudeau, L., as cited, p. 256.

from the altar of militarism toward the shrine of a friendly peace.

M. Naudeau, who witnessed the amazing outburst of wrath that occurred in Tōkyō in 1904 when the people believed that their government had concluded at Portsmouth a peace which robbed them of their dues, has depicted more clearly than any other writer the volcanic ebullitions of a people—directed at that time against their own government—who habitually wear a crust of smiling calm. Stirred by this vivid French picture, Mr. T. P. O'Connor has written: "There is in individual as well as in national character, one type which is always liable to give us some unpleasant surprises. You meet a man or a woman who is apparently soft, yielding and self-controlled. You may try them with a certain want of consideration for their feelings; and finding that you are met with nothing but the same agreeable smile and unquestioning docility, you rush to the conclusion that they are incapable of a moment of fierce anger or volcanic pas-

sion. But you find yourself suddenly and unexpectedly awakened. What you have not realized is that what you have said or done has been profoundly resented, and that though the resentment has not been expressed, it has deepened in consequence; and that some fine day it bursts forth with all the rage and devastation of a volcano. I have seen that happen among my own people; I have seen it happen even more frequently among French people. There is no kindlier people in the world than the Irish; no more forgiving; no more polite; but there comes a moment when they feel themselves touched in some point of honor or self-respect; and then they burst into fury. . . . And when a broad-minded Japanese discusses with you, in the confidence of private conversation, the character of his people, this is also the view he takes. Count Ōkuma, for instance, discussing this very question with the author of this book, summed up the character of his people in these words: 'The Japanese are not cruel but they are turbulent, vindictive

and irascible'; a portrait which, though terse, is sufficient to reveal to the Europeans how little they have grasped the depths in Japanese life." ¹⁴

This fact of the Japanese temperament is the focal point of importance in this whole discussion. All Europeans or Americans that have lived among Japanese and had even a modicum of sympathetic discernment will agree with Mr. O'Connor. Elihu Root,¹⁵ then Secretary of State, grasped this point as the center of possible trouble when he said with reference to the San Francisco "separate school order":

"There was one great and serious question underlying the whole subject which made all questions . . . as to whether the resolution of the school board was valid or not—seem temporary and comparatively unimportant. It was not a question of war with Japan.

¹⁴ O'Connor, T. P., in *T. P.'s Weekly*: London, Jan. 10, 1913; p. 34.

¹⁵ In an address delivered in Washington City, April 19, 1907; quoted in "America to Japan": New York, 1915; pp. 178-179.

All the foolish talk about war was purely sensational and imaginative. There was never even friction between the two Governments. The question was, What state of feeling would be created between the great body of the people of the United States and the great body of the people of Japan as a result of the treatment given to the Japanese in this country?

“What was to be the effect upon that proud, sensitive, highly civilized people across the Pacific of the discourtesy, insult, imputations of inferiority and abuse aimed at them in the columns of American newspapers and from the platforms of American public meetings? What would be the effect upon our own people of the responses that natural resentment for such treatment would elicit from the Japanese?”

If the writer has dwelt long upon this subject, and cited lengthy quotations, it is because of his conviction that herein is something for American politicians and journalists to ponder over. Not only are the

Japanese one of the most high-spirited and sensitive people in the world, but the danger of sudden and irresistible popular explosions is greatly heightened by the existence of a peculiar class known as *sōshi*. These are the hoodlum heirs of those medieval heroes called *rōnin*, or "wave men," who turbulently rolled about the country wreaking revenge for any insults offered to their lords.¹⁶ *Sōshi* have made themselves felt in recent years, during times of international resentment, not only against foreigners (as in the attack on Li Hung Chang at Shimonoseki in 1895), but in murderous assaults on supposedly pro-foreign Japanese statesmen, such as Count Ōkuma, who escaped with the loss of a leg, and Viscount Mori, successfully assassinated.

The Japanese government itself is one of the wisest and most cool-headed governments in the world: being constituted, by a rigorous selective process, of men inured to

¹⁶ See Mitford, A. B., as cited, pp. 1-24; and John Masefield in "The Faithful": New York, 1915.

iron self-control, trained to a broad and sympathetic vision of foreign affairs as well as to keen insight into domestic perplexities, and anxious, with the wisdom of a far perspective, to lighten the already heavy social burdens of the muttering people, to say nothing of the avoidance of piling up the crushing weight of added armaments. The peace of Japan is safe if left in the hands of her statesmen. But the elements represented by the *sōshi* have more than once forced the hand of the government into an impetuous war. The danger of some sensitive popular explosion is the only menace to our peace with Japan. He who lightly applies a match to this tinder is, however ignorant or thoughtless, a criminal against the human race.

Like other sensitive and high-spirited races and individuals, the Japanese have a delightful converse side of generous responsiveness to just and kindly treatment. What more striking illustration could be offered of this than the early incident in the

life of the now aged Ebara, which determined him as the life-long friend of America, so that, when a commission was sent from Japan in 1913 to allay the bitter feelings of the Japanese in California roused by the Alien Law discussion, he was naturally chosen as one of three? The incident is this: When, in the 'sixties, all the other foreign ministers left Tōkyō because of the fear of assassination, our American minister, Townsend Harris, alone remained, saying that he would trust the Japanese government and people. It was his habit to ride out daily on horseback, unarmed and unattended, an extremely dangerous thing at that time. Young Ebara was so impressed by the courage and spirit of the man that he procured an appointment from the Shōgun to act gratuitously as Mr. Harris's personal guard. From that time to this Mr. Ebara has been an ardent admirer of America;¹⁷ just as Baron Shibusawa says of Harris's gallant

¹⁷ Gulick, S. L., as cited, p. 105.

conduct in another critical circumstance, "This incident won for America the good will of Japan."¹⁸

Another of these 1913 commissioners of conciliation, the Hon. J. Soyeda, prepared, on his return to Japan, a "Survey of the Japanese Question in California," comprehensive and statesmanlike, and urging better mutual acquaintance as the proper solution. He counseled his people residing in America to "strive more and more for assimilation with the people and observance of the laws and customs of the land. . . . They must work strenuously to remedy their faults and do nothing to startle or irritate the people with whom they are living." On his people at home he urged "patience and careful consideration," with "campaigns of education along permanent and broad lines with the aim to enlighten the public opinion, not only in the two countries concerned, but all the world over."

¹⁸ "Japan's Message to America," as cited, p. 21.

Mr. Soyeda is a graduate of the Imperial University at Tōkyō, and has also studied at Cambridge and Heidelberg. He came to the United States in 1913 representing the Associated Chambers of Commerce in Japan. The San Francisco *Examiner* of October 2, 1913, dealt with his friendly and courteous pamphlet in the following impudent terms:

“It is with thankfulness, gratitude, humility and a deep sense of being properly rebuked that we receive this fulmination of the Hon. Juichi. We shall not selfishly enjoy this feast of reason and flow of language alone. At least half of it shall be fed to the office cat—may his venerable whiskers flourish forever! The other moiety will be forwarded to a noted pro-Japanese American statesman, who engages in lecturing, breeding doves, and Secretarying of State with equal grace, facility and financial success. In a general way, Honorable Pamphlet informs us that Honorable Japanese is truly morally superior to unfortunate American

inhabiteness, being truth, firmness, uprightness and faithfulness in gentlemen's agreement, therefore is perfectly agreeable to naturalization and intermarriage, which afford happy solution to Honorable Immigration Question not yet impacted upon yellow American press." ¹⁹

It is a far cry from this sort of impudence to the gallant character that attracted Mr. Soyeda's fellow commissioner to a life-long friendship for America. Townsend Harris never truckled to the Japanese; they would have despised him if he had. On the contrary, he was one of the firmest representatives we have ever had at a foreign court. He was brave and firm, but he was also considerate and just. *Our Japanese problem will vanish into thin air if we substitute in dealing with it the spirit of Harris for the spirit of Hearst*; the spirit of the gentleman and statesman for that of the journalist one of whose writers was actually audacious enough to boast in a published book

¹⁹ See Gulick, S. L., as cited, pp. 107-108.

that his paymaster brought on the American war with Spain.²⁰

²⁰ Creelman, J., "On the Great Highway": Boston, 1901, ch. ix., Familiar Glimpses of Yellow Journalism. For recent examples of grotesquely mendacious attempts to foment strife with Japan, see files of the Los Angeles *Examiner*, etc., October, 1915.

ARE THE JAPANESE ASSIMILABLE?

ARE THE JAPANESE ASSIMILABLE?

RACIAL antipathy does not arise in the cool seclusion of the study, but in the warmth of mass contact. There are numerous instances of northern doctrinaires who, going to live in the South, have turned from "negrophiles" into "negrophobes," becoming infected with race prejudice to a greater degree than their already well inoculated Southern neighbors. Regarding our present problem, I would like to offer a contrast almost dramatic: that of a New England poet and a California farmer, the poet lecturing (but not on the Japanese question) before the Lowell Institute in Boston, the farmer coming straight from his sweaty contact with Japanese laborers to a hearing before the 1913 legislature in Sacramento.

Said Professor Woodberry:

"It belongs to a highly developed race to become, in a true sense, aristocratic—a treasury of its best in practical and spiritual

types, and then to disappear in the surrounding types of men. So Athens dissolved like a pearl in the cup of the Mediterranean, and Rome in the cup of Europe, and Judea in the cup of the Universal Communion. . . . Nay, if the aristocracy of the whole white race is so to melt in a world of the colored races of the earth, I for one should only rejoice in such a divine triumph of the sacrificial idea in history.”¹ And the Boston audience applauded.

Said the gaunt farmer at Sacramento:

“Up at Elk Grove, where I live, on the next farm a Japanese man lives, and a white woman. That woman is carrying around a baby in her arms. What is that baby? It isn’t white. It isn’t Japanese. I’ll tell you what it is—

“It is the beginning of the biggest problem that ever faced the American people!”

Mr. Rowell, who was present, reports that the Assembly committee withdrew, without

¹ Woodberry, G. E., “The Torch; Eight Lectures on Race Power”: New York, 1905; pp. 3, 6.

waiting for the hearing to end, and “unanimously reported out one of the very bills against which we were protesting”²—a bill, needless to say, inimical to Japanese interests in California.

Doubtless the Assembly committee was precipitate; conceivably, Professor Woodberry was poetically depicting some “far-off divine event to which the whole creation moves”; but, just as farmers and politicians ought to read more philosophy and poetry, so the Atlantic Coast critics of the Pacific Coast, and our Japanese critics as well, ought to try to catch their neighbor’s point of view. Perhaps Farmer Newman was mistaken and excited, but there can be no sort of doubt that he was sincere; nor can there be any doubt whatever that if conditions were reversed, so that the Japanese became excited with the notion that the pearl of *Yamato-damashii* was about to be dissolved in the sacrificial cup of history, and their race lost in the white man’s melting

² Rowell, C. H., in *The World’s Work*, as cited, p. 195.

pot, they would speak in terms of prose rather than poetry, and enact an alien land law. Have they not already done so? Perhaps the most vigorous alien law ever enacted was that by which Japan in 1624 banished all Europeans utterly from the Empire, except a handful of Dutch traders insulated at Deshima, to whom only two ships were permitted to enter from Holland in a year, and from whom Japan exacted costly tribute; all because they believed their government to be threatened by intrigues of the Roman Catholics. This is the law which, rigorously enforced, endured for 268 years, or until Perry forcibly annulled it in 1853 for the sake of California commerce.

It would not be fair to cite the persecutions inflicted during this period on natives who had merely ventured to embrace an alien religion—persecutions which, according to Japanese records themselves, equaled in ferocious intensity those of the Roman Empire or the Spanish Inquisition.³ Mod-

³ Gubbins, J. H., "Asiatic Society Transactions," vol. vi,

ern Japan is totally different from medieval Japan. But the racial and nationalistic passion exists now just as it did then, and no one with the slightest actual knowledge of the Japanese can doubt that if intrigue against their government in the seventeenth century produced the alien laws of Iyeyasu and Iyemitsu, a sincere (albeit perhaps mistaken) conviction that their race itself was in danger of dissolution, and their best land of absorption, and their economic opportunities of annihilation, by white settlers, something would happen in the twentieth century equally as drastic as the passage of the California Land Law, to say the least.

This is not to say that the California Land Law is right. It is merely to point the homely English proverbs, that pots should not call kettles black, and that we should always try to put ourselves in the other fellows' shoes.

Some of the most intelligent opponents of

part i, p. 35. See also citations in Murray's "Japan": New York, 1901; pp. 246-249.

oriental immigration base their opposition frankly on race difference, and assume the non-assimilability of the Japanese. Walter Macarthur opens his argument with the statement: "The opposition to oriental immigration is justified upon the single ground of race"; and closes with the startling assertion: "The conclusion of the whole matter then is that exclusion is the only alternative of race degeneracy or race war."⁴ Chester H. Rowell says: "We know what could happen, on the Asiatic side, by what did happen and is happening on the European side. On that side we have survived, and such of the immigration as we have not assimilated for the present we know is assimilable in the future. But against Asiatic immigration we could not survive. The numbers who would come would be greater than we could encyst, and the races who would come are those which we could never absorb. The permanence not merely of American civiliza-

⁴ Macarthur, W., "Opposition to Oriental Immigration," in "Annals," as cited, pp. 239, 246.

tion, but of the white race on this continent, depends on our not doing, on the Pacific side, what we have done on the Atlantic Coast.”⁵—

“The bitterest anti-Japanese agitation in California has never once suggested that they are an inferior race. They are of a different, and physically unassimilable race; that is all. . . . Whether ten thousand acres of Japanese farms shall become twenty thousand is not overwhelmingly important. That the two chief races of mankind shall stay each on its own side of the Pacific, there to conduct in peace and friendship the commerce of goods and ideas, and of the things of the spirit, but without general interpenetration of populations, or commingling of blood—that is precisely the greatest thing in the world.”⁶

Senator Newlands of Nevada may also be cited. He says:

“History teaches that it is impossible to make a homogeneous people by the juxtapo-

⁵ “Annals,” as cited, p. 230.

⁶ *World's Work*, as cited, pp. 199, 201.

sition upon the same soil of races differing in color. . . . Our friendship with Japan, for whose territorial and race integrity the American people have been in active sympathy in all her struggles, demands that this friendship be not put to the test by bringing two such powerful races, of such differing views and standards, into industrial competition upon the same soil. . . . Japan cannot justly take offense at such restrictive domestic legislation upon our part. She would be the first to take such action against the white race, were it necessary to do so in order to maintain the integrity of her race and her institutions. She is at liberty to pursue a similar course. Such action constitutes no implication of inferiority of the race excluded; it may even be a confession of inferiority by the excluding race, in its ability to cope economically with the race excluded. . . . I am opposed to terms of opprobrium and of insult. Japan deserves from us only respect and admiration, and we

deserve from her a proper regard for the integrity of our race and institutions.”⁷

These writers all assume as indisputable that the Japanese are not assimilable and that amalgamation would result in degeneracy. In this they have the high authority of Herbert Spencer, whose opinion is all the more impressive because he approaches the subject from the standpoint of the preservation and protection of the Japanese people themselves. Under date of August 26, 1892, he wrote to Baron Kaneko:

“To your question respecting the inter-marriage of foreigners and Japanese, which you say is ‘now very much agitated among our scholars and politicians’ and which you say is ‘one of the most difficult problems,’ my reply is that, as rationally answered, there is no difficulty at all. It should be positively forbidden. It is not at root a question of social philosophy. It is at root a question of biology. There is abundant

⁷ Newlands, F. G., “A Western View of the Race Question,” in “Annals,” as cited, pp. 270-271.

proof, alike furnished by the intermarriages of human races and by the interbreeding of animals, that when the varieties mingled diverge beyond a certain slight degree *the result is inevitably a bad one* in the long run. I have myself been in the habit of looking at the evidence bearing on this matter for many years past, and my conviction is based on numerous facts derived from numerous sources. . . . By all means, therefore, peremptorily interdict marriages of Japanese with foreigners.

“I have for the reasons indicated entirely approved of the regulations which have been established in America for restraining the Chinese immigration, and had I the power I would restrict them to the smallest possible amount. . . . If they mix they must form a bad hybrid. . . . The same thing will happen if there should be any considerable mixture of European or American races with the Japanese.

“You see, therefore, that my advice is strongly conservative in all directions, and I

end by saying as I began—*keep other races at arm's length as much as possible.*"⁸

The study of biology and sociology has proceeded far since Spencer's day, with the result that many scholars now attach great importance to social heredity in contrast with biological. They conceive of the physical organism, indeed, as being chiefly determined by biological heredity, although even here such investigations as those of Boas and Fishberg⁹ show the most startling physiological changes due to a new environment; whereas, on the other hand, the age-long social traditions of a people form an intangible but exceedingly influential spiritual environment which may completely transform, in immigrants themselves but more especially in their children, the attitude of the individual toward morality, patriotism, and, in fact, the whole body of social behavior.

⁸ London *Times*, Jan. 18, 1904. Printed as Appendix in Hearn's "Japan; an Attempt at Interpretation": New York and London, 1904.

⁹ Boas, F., "Changes in Bodily Form of Descendants of Immigrants": Washington, 1912. Fishberg, M., "The Jews; A Study of Race and Environment": New York, 1911.

Dr. Gulick has carefully studied this subject, both in his "Evolution of the Japanese" ¹⁰ and in his other volume to which this paper has made frequent reference, with the ensuing conviction that "complete assimilation to our civilization can take place without intermarriage." ¹¹ He believes that patriotism is a psychic trait, communicated or inherited wholly by social means, and thinks that those who deny the assimilability of the Japanese have based their belief on a theory of race nature which is no longer tenable. In a word, they are obsessed by the biological conception of man's nature and life. They do not recognize the psychic or spiritual factor, nor do they perceive that this psychic factor modifies in important ways even man's physical life. They think of heredity only in terms of biological analogy and have not a glimpse of social heredity with laws wholly

¹⁰ New York and London, 1903.

¹¹ Gulick, S. L., "The American Japanese Problem": New York, 1914; p. 147.

its own.¹² He approves the remark of Professor Commons: "It is not physical amalgamation that unites mankind; it is mental community. To be great a nation need not be of one blood, it must be of one mind"¹³—and cites numerous instances of Japanese living in America and of their American born children to prove that the Japanese can and do make good American citizens in the fullest sense of the phrase.

Certainly every thoughtful man of advanced or middle age must have had borne in upon him, by some means or other, the fact of the plasticity of peoples under a changed intellectual molding. The Americans themselves, through education and the facilities of intercourse with older and more highly cultivated civilizations, are socially of a distinct order from the Americans of the 'seventies; any one that doubts this need only refresh his recollection by reading, for

¹² The same, pp. 164, 165.

¹³ Commons, J. R., "Races and Immigrants in America": New York, 1913; p. 20.

example, such a faithful narrative as Mark Twain's and Charles Dudley Warner's "Gilded Age." Who among us has not had to change utterly, during the last year or two, his notion of the Germans?—the reason being that the supposedly "phlegmatic" Germans themselves have suffered a complete transformation under the spell of their modern schoolmasters, whereas we had been thinking of them in the terms of Goethe and Schiller.

As for the Japanese, the present writer said of them ten years ago that "for quick receptiveness and rapid, thorough assimilation of mental food they are unparalleled"; that "the mental soil of the Japanese has had a rapid receptivity without parallel in the history of the world"—but he realizes now that he did not allow sufficiently for immediate results from this remarkable endowment; so that, in revising the books written then, he intends to give credit for an appropriation of occidental modes of behavior of which he did not then think that

even the Japanese could be so rapidly capable.

Take, for example, the matter of commercial honesty. In medieval Japan there were four great social classes: samurai or warrior, farmer, artisan, and merchant, ranking in the order named. Next below the guardian warrior class came the farmers, always held in a certain respect because they added to the common wealth, which the warriors defended, by creation of the products of the soil. Artisans ranked next, and these were often artists; farmers and artisans, being creators, were worthy of all reverence. But the merchant or banker lives by merely exchanging the products of others; so that, by a social philosophy opposed to our own, all who merely dealt with money were ranked at the bottom of the scale as non-producers. By the operation of a human psychology that is the same the world over, this unrespected mercantile class responded to its treatment, and became unrespectable—that

is to say, dishonest, so that the untrustworthiness of Japanese in commercial transactions became a long standing byword. Ten years ago the writer characterized "deep-set dishonesty" as a "cancer at the core of the Japanese character." He also thought, with other foreign students, that Japan had had "a Renaissance, but not a Reformation"; that there could not, in the very nature of the case, have been an inner transformation commensurate with the outward; and that this inner transformation would be a long time coming. But what has happened? Commercial dishonesty is rapidly giving way to trustworthiness. The mercantile class, being lifted, through the adoption of occidental ideas, to a higher social plane, responds to the new environment. More is expected of them, and they render more in return. The Japanese business man has come into a new social heredity, of which he is rapidly becoming a worthy heir. A California fruit shipper gives the remarkable testimony: "Ten years ago, forty of each fifty tenants were

dishonest, but now the forty are honest and entirely trustworthy.”¹⁴ While this formula would overstate the case if universally applied, it is nevertheless an index of the general testimony that the Japanese attitude towards business affairs is improving with astonishing rapidity. Commerce is no longer despised. Successful merchants take high rank in society. Commercial morality is being rapidly developed. The moral obligation adhering to contracts and promises is beginning to be widely recognized and emphasized. The entire Japanese people have entered on a new development of moral life because of their new social, industrial, and commercial activities and organization.¹⁵

On the basis of his personal knowledge of the Japanese at home, his experience of their behavior under proper conditions in California, and his observation of the transforming influences of American environment on immigrants and the children of immigrants,

¹⁴ Millis, as cited, p. 149.

¹⁵ Gulick, as cited, p. 45.

the present writer cannot doubt the capacity of the Japanese to become good citizens. In other words, he believes in their psychic assimilability; but this is a very different matter from amalgamation.

It seems a great pity that former President Eliot (of Harvard) is incorrect in his belief that wherever the Japanese have lived in foreign lands they keep their race pure. He says: "They do not intermarry with women of any foreign race, affording thus a strong contrast to the white race when in foreign parts. The inexpedient crossing of unlike races will not be promoted by them in any part of the world. . . . The immigration question need not be complicated with any racial problem, provided each of the several races abiding in the same territory keeps itself pure, as the Japanese do wherever they live." ¹⁶

It is difficult to see how Dr. Eliot could make such a mistake. Not only is his judg-

¹⁶ Eliot, C. W., "Some Roads towards Peace"; Report to the Carnegie Endowment for International Peace: Washington, 1914; pp. 58, 9 (see also p. 42).

ment flatly contradicted by the facts in California, but the letter of Herbert Spencer's, already quoted, intimates that the question of intermarriage with foreigners was at one time being much agitated in Japan itself, among scholars and politicians, as a matter of national policy.¹⁷ Moreover, the ethnology of the Japanese effectually disproves such a contention. Of Mongolian stock, not only Tartar and Malay elements have been superadded, but Caucasian,—through the Ainu,—and probably Negroid. They are more of a mixture than we are. Indeed, Dr. Gulick seems to imply that an argument for amalgamation might be based on their large infusion of “white blood”; adding that there is a tendency to striking beauty in Americo-Japanese, and that the mental ability of the offspring of these mixed marriages is not inferior to that of children of either race. Nevertheless, he regards mixed marriages as highly undesirable.¹⁸

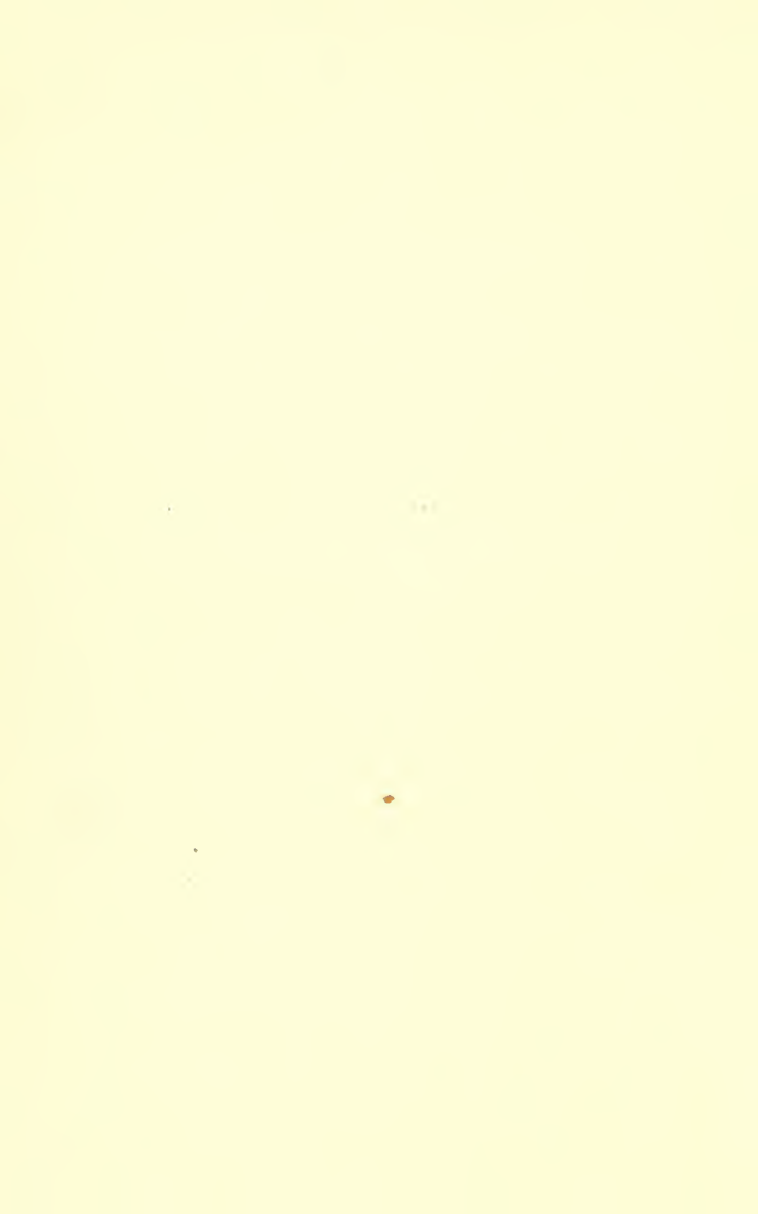
¹⁷ See page 75.

¹⁸ Gulick, as cited, pp. 153, 157.

The present writer believes that while the Japanese may be spiritually assimilated to our manners of thought and action, so as to make good citizens, the question of biological assimilation, involving intermarriage, must wait on a much larger body of scientific facts than are at present available; and that meanwhile the intense feeling ¹⁹ engendered in those American communities where Japanese are strongly concentrated and are prone to intermarriage should be allayed by the enactment of laws *by both governments* against amalgamation. It is not a question of relative superiority, but of prudential policy.

¹⁹ See pages 33-34.

*IS AGRICULTURAL COMPETITION
SAFE?*



IS AGRICULTURAL COMPETITION SAFE?

THE other day the writer received the following note from one of the broadest-minded, most thoughtful, and most philanthropic citizens of California; a man about as free from race prejudice, he believes, as one ever gets to be in this world—and this brief note, in the present writer's judgment, expresses the real crux of the Japanese danger in California:

“To-day, Sunday, I passed a truck farm on the Foothill Boulevard and saw three Japanese and their wives hoeing a large tract industriously. How can a white farmer compete with them and at the same time inform himself sufficiently to make a good and efficient citizen, and how could his wife rear good citizens?”

This pungent question is so conclusively unanswerable that all who thoughtfully discuss it, Japanese or American, agree upon

one point: that oriental immigration must be restricted. Some, such as the members of the Asiatic Exclusion League, would carry restriction to the point of actual exclusion; but all serious students agree that measures of restriction are absolutely necessary, although differing as to degree and method. Mr. Rowell says, with graphic force: "The great danger of the 'yellow peril' is its enormous size. With less than two million white men in California, and more than four hundred million Chinese in China, just across the way, the very smallest overflow from that limitless reservoir would swamp our Pacific Coast."¹ Professor Millis, strongly pro-Japanese, hits the economic core of the question when he concedes: "*Immigration involves a conflict of standards.*" It is inevitable that he should then add: "A narrow restriction of immigration of Asiatics is necessary if standards are not to be lowered on the Pacific Coast, where most would enter the country

¹ "Annals," as cited, p. 229.

and where most of those who enter would remain.”² Dr. Gulick, still more strongly pro-Japanese, “heartily agrees with the fundamental postulate of California’s general oriental policy. An immigration from Asia swamping the white man, overturning the democratic institutions of the Pacific Coast, and bringing wide economic disaster to Caucasian laborers and farmers is not for a moment to be tolerated. . . . All are agreed in regard to this point. I have talked with many Japanese gentlemen on this matter and not one have I found who dissents.”³ Mr. K. K. Kawakami, the spokesman of his people on the Pacific Coast, has said: “I do not, of course, believe in unrestricted Japanese immigration. On the contrary, I think that the contact of

² Millis, as cited, pp. 286, 287.

³ Gulick, as cited, p. 184. Dr. Gulick’s interesting proposal of a general immigration law admitting, say, 5 per cent yearly of the aliens of any one nationality already here, is not so innocuous as it looks. It really means that 5,000 Japanese and more would annually localize in California, since experience shows that very few Japanese immigrants care to go elsewhere. See page 33.

two different races must be slow and gradual.”⁴

When all parties to a controversy, differing as to almost everything else, agree on one important particular, great progress has been made towards a general settlement. For such agreement means that everything except the most important objective has been at length cleared away, and that we may discover, on close inspection, the very heart of our problem. Thereafter it is a question of methods, not of fundamental principle; and considerateness, if mutually exercised, should finally settle the controversy. In this case, what we uncover is *labor on the land*. California immigration is not of the commercial or manufacturing type, it is almost entirely agricultural.⁵ However we may debate other questions, a unanimous negative answer must be returned to the query: Is unrestricted agricultural competition between these two races

⁴ Letter dated February 18, 1915.

⁵ See page 34.

safe? This answered, California advances a method for the avoidance of such competition; and that method is the Alien Land Law of 1913.

THE ALIEN LAND LAW

*THE ALIEN LAND LAW*¹

WE left our discussion of the California opposition to Japanese immigration with the "Gentlemen's Agreement" of 1907.² Since that time feeling has gradually focused on the land, owing to causes already explained;³ but this feeling was not, until 1913, so widespread as to engender a state-wide political issue of any great importance, although the minority party, the Democrats, deemed the demand for a law to be sufficiently sharp to be used as a frequent goad to embarrass the party in power. But whenever this supposititious demand shaped itself into bills these were invariably pulled to pieces by a struggle as to whether they should discriminate against certain aliens only, or treat all aliens alike; the big business

¹ For a succinct, fair, and interesting account of the legislative evolution of this law, see Franklin Hichborn's "Story of the California Legislature": San Francisco, 1909 (p. 202 ff.), 1911 (p. 342 ff.), 1913 (pp. 213-274).

² See page 28.

³ See pages 33-34, for example.

interests invariably protesting against measures which, by being all-inclusive, might tend to discourage European investments in California, while Washington, with equal insistence, opposed discrimination. In 1909, for example, an alien land law designed to affect only the Japanese was, through the President's influence, amended to include all aliens,—whereupon "the interests" promptly defeated it.

An index of the growing feeling over the land question was afforded by the action of Senator Caminetti—now United States Commissioner of Immigration—when a report favorable to Japanese agricultural labor was finished and presented to the legislature of 1909, which had appropriated \$10,000 for the preparation of this report. Although floor leader of a small Democratic minority, Caminetti, a masterful figure, was able to secure unanimous passage of the following resolution:

"Whereas, the State Labor Commissioner has, in his report concerning Japanese labor-

ers, expressed his opinion of the necessity for such laborers in this State, and thus without authority misrepresented the wishes of the people of this commonwealth, therefore be it *Resolved*, that the opinion of such Labor Commissioner is hereby disapproved by this Senate.”⁴

This resolution, be it observed, does not question the findings of the report, but condemns the opinion of the Commissioner, which, being based solely on the economic efficiency of the Japanese as farm laborers, did not take into account the paramount issue of ultimate agricultural competition between the two races.

In the legislature of 1911 a comprehensive alien land bill, forbidding leasing as well as purchase was killed in one chamber after passing the other; long-distance pressure from Washington being aided in this case by handy assistance from the directors of the

⁴ *California Senate Journal*, 1910, p. 39. A summary of the State Labor Commissioner's Report (already cited in this volume, on page 34) is printed as Appendix B by Gulick, as cited.

proposed San Francisco Exposition, who desired the participation of Japan.

The writer, who was present at the critical session of 1913, and who naturally followed with great interest the course of the various alien land bills then introduced, confidently believes that the Exposition directorate and other strong influences would have prevented the passage of any of these measures, except for extraordinary political complications between the state and the nation. He believes now what he wrote to the *New York Independent* when the discussion had reached fever heat, and before the alien law had been enacted, that here is the crux of the matter,—a legislature embarrassed between the horns of a dilemma: “square deal” people uniting with the Federal Government and the Japanese themselves in demanding a non-discriminatory measure or none at all, while, on the other hand, any impartial enactment, directed against all aliens alike, immediately incurs the hostility of California banks in behalf of large British and other

European investments. Between two such horns a legislature must almost certainly fall. It is clear to my judgment that *if Mr. Bryan had not come to California* the legislature in the final issue would have passed either an impartial measure or none at all,—and more likely the latter.⁵

Against discriminatory action, a widespread feeling had developed such strength throughout California that although fair-minded citizens lacked efficient organization like that of the Exclusion League, and, in fact, any organization at all, protests poured in, not only from the powerful directorate of the Exposition, but also from civic bodies in different parts of the state, while among influential newspapers opposing it were the *Fresno Republican* (Mr. Rowell's paper); the *Pasadena News*; the *Los Angeles Times*, the *Tribune*, the *Express*, and the *Graphic*; the *San Francisco Post*, and even the *San Francisco Chronicle*. Against non-discrim-

⁵ Scherer, J. A. B., Law Making in California, in *The Independent*: New York, May 15, 1913; p. 1091.

inatory legislation affecting all aliens alike, and not merely Asiatics, protests were lodged, on the other hand, by banks and boards of trade and chambers of commerce unduly sensitive to the European financial barometer,—so that, embarrassed by such cross-firing, the legislative majority apparently felt that they had a political bugbear on their hands in the guise of the Exclusion League's alien land bills, of whatsoever character, and would no doubt have been happy, as in the case of so many other measures of that session, to move "that this bill do sleep." Only the small Democratic minority, cheered, no doubt, by the unwonted complexion of the new national administration, and re-enforced by a few rural legislators representing the real problem at first hand,—these few, spurred also by the size of the labor vote, kept the Japanese agitation in motion.

Then a strange thing happened. An utterance of Governor Johnson's, as the writer believes, was misinterpreted in Washington

to express a determination to push through an anti-Japanese bill at all hazards. Washington, with the best of intentions, began to interpose,—finally by the picturesque method of sending out Secretary Bryan, for the performance of that brand of persuasion for which he is famed. The California Democrats, although now entangled in an amusing predicament through seeing one of their pet measures attacked by the first national administration they had enjoyed for many years, derived compensatory satisfaction from the supposed embarrassment of the “Progressive” Governor—who, it may be remembered, had been a candidate for vice-president against Marshall. Mr. Bryan arrived, and the Governor, driving with him out to the Japanese community at Florin, became genuinely interested in the Japanese land question. The whole matter, moreover, was by this time so well advertised that it became a state-wide political issue of absorbing popular interest. Two of the Governor’s friends, Mr. Francis J. Heney and Attor-

ney-General Webb, proceeded to the aid of the legislature in preparing a far more ingenious measure than any of its still-born forerunners; that famous measure which, shortly before Mr. Bryan's return to Washington, passed the Senate by a vote of 35 to 2, and the Assembly by 72 to 3—the Democrats, sad to relate, all voting for it, in spite of Mr. Bryan's oratory, and thus fostering their pet state measure after all.

So it is that one of the most serious international problems confronting the government of the United States to-day owes its existence, in large measure, to Sacramento misunderstandings, and to the farcical—if not tragical—complexities of our state and national politics.

The gist of the Alien Land Law⁶ is as follows:

“Section 1. All aliens eligible to citizenship under the laws of the United States may acquire, possess, enjoy, transmit and inherit real property, or any interest therein, in this

⁶ Approved May 19, 1913.

State, in the same manner and to the same extent as citizens of the United States, except as otherwise provided by the laws of this State.

“Section 2. All aliens other than those mentioned in Section one of this act may acquire, possess, enjoy and transfer real property, or any interest therein, in this State, in the manner and to the extent and for the purposes prescribed by any treaty now existing between the government of the United States and the nation or country of which such alien is a citizen or subject and not otherwise, and may in addition thereto lease lands in this State for agricultural purposes for a term not exceeding three years.”⁷

The ingenuity of this remarkable document becomes obvious when one compares it with the treaty signed by Washington and Tōkyō in 1911,⁸ and discovers that while that treaty guarantees numerous privileges to the citizens or subjects of one country living in

⁷ For the remaining sections, see Appendix B.

⁸ See Appendix C.

the other, *it nowhere grants the right to own land*,—nor even to lease it except “for residential and commercial purposes.” The Alien Land Law therefore not only conserves, at least nominally, all the rights guaranteed by treaty to the Japanese residing in California, but, in addition, confers the privilege of leasing land “for agricultural purposes” for terms of three years.

To use a phrase of the day, Sacramento “put it up” to Washington; not only in the matter of this treaty, but in respect of a far larger question: for, after all, it is Washington that determines who is eligible to citizenship—and, except for the ineligibility of the Japanese, as predetermined by Washington, this bill would confer upon them all the privileges now accorded to native white citizens.

It is precisely this phrase, however, “eligible to citizenship,” with its forcibly implied contrast, that constitutes the gravest offense of the California Alien Land Law. This law “rubs in” the fact that, under our naturalization system, which admits white

skins and black skins but tolerates no intermediate shades such as red or yellow or brown, Japanese may not become citizens.

To state the matter from another point of view, the bill is obviously discriminatory. If it applied to all aliens alike, the Japanese government would have submitted gracefully. As it is, it wounds their national pride, as it would our own. California should so amend the bill as to make it non-discriminatory. It is far better to lose a few investments than to barter the good will of a great power.†

Moreover, there is sound argument aducible for the belief that fee simple ownership of land should inhere only in citizens. Let British or German subjects cultivate American land by means of leaseholds, or control it through citizen agents. If they hunger for the unearned increment that accrues from permanent ownership, or for any other reason aspire to impinge on the eminent domain, let them take out naturalization papers—they are not ineligible. Sound

† See Appendix D.

principles support the doctrine that only the actual citizens of a nation should own its land. Has any nation shown more deference to this doctrine than Japan itself? Only since 1910 has the law granting "land-ownership" to foreigners, of which we have heard so much, shown its face on the minutes of Parliament; and when we examine its features we discover a somewhat noticeable reserve.⁹ This ordinance prevents itself from going into force until the Emperor determines to issue it, and this he never has done. It requires that, in the case of an individual, he shall be actually resident in Japan during the period of ownership, and that, in the case of corporations, the Home Secretary must specifically approve; that the home nation of such landholding aliens must, as a prerequisite condition of their landholding, grant to Japanese the reciprocal right to hold land; that its provisions shall in no case extend to Saghalien, Formosa, or the Hokkaidō, the only places

⁹ See Appendix A.

where there is the slightest room for foreigners; further, that its provisions shall not extend to any district whatsoever which the Emperor may at any time proclaim to be requisite to the national defense; and that in case of the violation of any one of the terms of this carefully hedged-about ordinance, the property shall escheat to the State.

Japan has long had alien land laws. As may be seen by the preceding summary of the reservations in the statute passed by Parliament April 13, 1910, the repeal of these alien land laws is theoretical rather than practical, and, even should it be put into effect, the rights granted to aliens would be rigidly limited, besides being revocable at any time.

Whatever criticisms may be directed against this Japanese ordinance, however, it cannot be accused of national or race discrimination. On the other hand, in common fairness it should be everywhere remembered that it was not the race prejudice of the California agricultural laborer that pre-

vented the passage of a non-discriminatory land law here, but the corporate interests;¹⁰ at their door lies the offense that wounds Japan. California should remove this offense, and not wait for the nation to do it.

It is by no means a simple issue that California raised for the nation by suggesting, through laying emphasis on eligibility to citizenship, the whole question of naturalization. We have very absurd laws now, it is true. Since we make color their basis, and favor the two extremes of white and black, it might seem at first thought desirable to run the whole chromatic scale, and admit to citizenship not only the red man, who resided here before we did, but those yellow and

¹⁰ "The limitations upon aliens, and especially upon corporations, rather than upon Asiatic aliens, called forth protests from the San Francisco Real Estate Board and Chambers of Commerce, Boards of Trade, and Merchants' Associations meeting in San Francisco, February 20, 1913. The opposition was so strong that it eventually became evident that a bill restricting the rights of all aliens, and especially of corporations, the majority of whose stock was held by aliens, could not be enacted into law. Too many persons would be affected and the desire for the capital of European investors was too pressing. Only a discriminatory bill could pass."—*Millis*, as cited, pp. 202–203. See also *Hichborn*, 1913, as cited, p. 243; and this volume, Appendix D.

brown men of high intelligence and elevated culture who seek admission now. But the matter is not so simple as that. The black man would never have got in when he did except for the storms of confusion that succeeded a terrible civil war; and the fact that he did get in, and *en masse* at that, has undoubtedly delayed the consideration that might otherwise have been given to the admission, on a personal basis, of cultivated orientals, for example. The wholesale admittance of the Negro, in the circumstances that attended it and that still surround his presence, has sharpened to acuteness the most serious race problem to be found anywhere on the globe: that of the American Negro. ("This problem," as Grady said at Dallas, when speaking of its strong concentration in his beloved "Southland," "is to carry within her body politic two separate races, and nearly equal in numbers. She must carry these races in peace—for discord means ruin. She must carry them separately—for assimilation means debasement.

She must carry them in equal justice—for to this she is pledged in honor and in gratitude. She must carry them even unto the end, for in human probability she will never be quit of either.”¹¹

A sense of the seriousness of this Negro problem has now wholly permeated the nation. It is a well recognized national problem of enormous gravity; and, with such an extreme instance of the possible evils of racial juxtaposition and equal enfranchisement clearly and constantly before it, the nation is in no mood at the present to consider Professor Woodberry's apocalypse of dissolution.¹²

To speak prose, the potentially normal extension of a rational code of naturalization laws has been gravely hindered and greatly postponed by the fact that we have an abnormal and irrational code. Opponents of such enlargement would argue that because one mistake has been made is no

¹¹ Grady, H. W., "Writings and Speeches": New York, 1890; p. 96.

¹² See page 68.

reason for making another; and, while their conclusion might be subject to attack, their premise stands like a stone wall.

The national government cannot well afford to accept California's challenge, if challenge it is, on the issue of naturalization. But in a larger way it should accept challenge. Not since the New Orleans-Italian embroglio, under President Harrison, when Louisiana brought the United States to the very verge of war with Italy over a lynching,¹³ have we had so sharply forced home

¹³ The circumstances were, briefly, as follows: A band of oath-bound secret murderers, known as the "Maffia," disturbed the peace and safety of New Orleans until run down by the brave police chief, Hennessey, who was promptly murdered. Eleven Italians, or Sicilians, were tried for this murder, and, although obviously guilty, acquitted by a timorous jury. Thousands of angry citizens thereupon stormed the jail and lynched the eleven prisoners, three of whom turned out to be Italian subjects—the others being naturalized Americans. A long diplomatic correspondence ensued between Rome and Washington, leading to an ultimatum from the King in which he demanded punishment of the lynchers and a large indemnity. Secretary Blaine took the ground that the State of Louisiana, and not the United States, had jurisdiction. Diplomatic relations were sundered. The matter was finally adjusted through an apology from Secretary Blaine and the payment of \$25,000.

Regardless of the merits of this incident, is not that

on us the humiliating futility of the national government in dealing with important international affairs, if a state should happen to choose to be obstreperous. Let us sum up the present episode. A San Francisco school board in 1906 sets two hemispheres by the ears and gets a threat of troops from President Roosevelt. Japan in 1907 repays his sympathetic concern by a "Gentlemen's Agreement" which covers pretty effectually a much larger issue than that of the school board, through stopping the immigration of all male laborers. California in 1913 passes a law which discriminates against one of the parties to this international agreement. Washington protests, and Mr. Bryan, with foolish good intentions, interferes. California then outwits the national government. Japan claims that a treaty has been violated, if not in letter, assuredly in spirit—and Washington once more drags out the system pregnant with danger which permits a foreign power to make treaties with one sovereignty, that at Washington, only to find out, in crises, that it has been dealing with fifty other sovereignties, the states themselves?

stock explanation of the peculiar character of our institutions, which in this case is only a euphemism for futility. "According to the American custom," as Baron Shibusawa says,¹⁴ "the central authorities are unable to stop or to restrain a state of the Union from doing as it pleases. . . . Our Japanese attitude toward America has always been systematic, and there will not be any change in our friendship toward America. But the masses of the people may become enraged if the strained relations continue long." ¹⁵

The most important piece of legislation still waiting to be done in this country is the enactment of a law or laws, by constitutional amendment if necessary, that will put international affairs in the hands of the nation. Meanwhile, let us trust Japan's honor to maintain the "Gentlemen's Agreement," and burnish our own by wiping away discrimination.¹⁶

¹⁴ In "Japan's Message to America," as cited, pp. 35, 36.

¹⁵ See page 59.

¹⁶ "Declaration," p. 134, and Appendix D.

APPENDIX A
LAND OWNERSHIP IN JAPAN

LAW RELATING TO FOREIGNERS' RIGHT OF OWNERSHIP IN LAND

(Promulgated April 13, 1910)

ARTICLE I

FOREIGNERS domiciled or resident in Japan and foreign juridical persons registered therein shall enjoy the right of ownership in land, provided always that in the countries to which they belong such right is extended to Japanese subjects and Japanese juridical persons; and provided further, in case of foreign juridical persons, that they shall obtain permission of the Minister of Home Affairs in acquiring such ownership.

The foregoing provisions shall be applicable only to foreigners and foreign juridical persons belonging to the countries to be designated by Imperial ordinance.

ARTICLE II

Foreigners and foreign juridical persons shall not be capable of enjoying the right of ownership in land in the following districts:

1. Hokkaidō,
2. Formosa,

3. Karafuto,

4. Districts necessary for national defense.

The districts coming under No. 4 of the preceding paragraph shall be designated by Imperial ordinance.

ARTICLE III

In case a foreigner or a foreign juridical person owning land ceases to be capable of enjoying the right of ownership in land, the ownership of such land shall accrue to the fiscus, unless he disposes of it within a period of one year.

In case a foreigner, by reason of losing his domicile or residence in Japan, or a foreign juridical person, on account of withdrawing his business establishment or office from Japan, ceases to be capable of enjoying the right of ownership in land, the period mentioned in the preceding paragraph shall be five years.

If any land owned by a foreigner or foreign juridical person is situated within the district designated under the last paragraph of the preceding article as necessary for national defense, and if, in consequence, the ownership of such land accrues to the fiscus, the damages thereby caused to the former owner shall be compensated.

In case of failure to arrive at an accord with regard to the amount of compensation mentioned in

the preceding paragraph, a suit may be brought before an ordinary court of justice. . . .¹

¹ NOTE: This translation was courteously furnished by Mr. K. K. Kawakami, of San Francisco. There are five other articles in the law, Article IV providing that the date of putting the law into force shall be determined by Imperial ordinance—an ordinance which has not yet been promulgated. The other articles are said not to be pertinent to the main issue.

J. A. B. S.

APPENDIX B

CALIFORNIA'S ALIEN LAND LAW

ALIEN LAND LAW OF CALIFORNIA

(Approved May 19, 1913)

THE people of the State of California do enact as follows:

Section 1. All aliens eligible to citizenship under the laws of the United States may acquire, possess, enjoy, transmit, and inherit real property, or any interest therein, in this State, in the same manner and to the same extent as citizens of the United States, except as otherwise provided by the laws of this State.

Sec. 2. All aliens other than those mentioned in section one of this act may acquire, possess, enjoy and transfer real property, or any interest therein, in this State, in the manner and to the extent and for the purposes prescribed by any treaty now existing between the government of the United States and the nation or country of which such alien is a citizen or subject and not otherwise, and may in addition thereto lease lands in this State for agricultural purposes for a term not exceeding three years.

Sec. 3. Any company, association or corporation organized under the laws of this or any other State or nation, of which a majority of the mem-

bers are aliens other than those specified in section one of this act, or in which a majority of the issued capital stock is owned by such aliens, may acquire, possess, enjoy and convey real property, or any interest therein, in this State, in the manner and to the extent and for the purposes prescribed by any treaty now existing between the government of the United States and the nation or country of which such members or stockholders are citizens or subjects, and not otherwise, and may in addition thereto lease lands in this State for agricultural purposes for a term not exceeding three years.

Sec. 4. Whenever it appears to the court in any probate proceeding that by reason of the provisions of this act any heir or devisee can not take real property in this State which, but for said provisions, said heir or devisee would take as such, the court, instead of ordering a distribution of such real property to such heir or devisee, shall order a sale of said real property to be made in the manner provided by law for probate sales of real property, and the proceeds of such sale shall be distributed to such heir or devisee in lieu of such real property.

Sec. 5. Any real property hereafter acquired in fee in violation of the provisions of this act by any alien mentioned in section two of this act, or

by any company, association or corporation mentioned in section three of this act, shall escheat to, and become and remain the property of the State of California. The attorney general shall institute proceedings to have the escheat of such real property adjudged and enforced in the manner provided by section 474 of the Political Code and title eight, part three of the Code of Civil Procedure. Upon the entry of final judgment in such proceedings, the title to such real property shall pass to the State of California. The provisions of this section and of sections two and three of this act shall not apply to any real property hereafter acquired in the enforcement or in satisfaction of any lien now existing upon, or interest in such property, so long as such real property so acquired shall remain the property of the alien, company, association or corporation acquiring the same in such manner.

Sec. 6. Any leasehold or other interest in real property less than the fee, hereafter acquired in violation of the provisions of this act by any alien mentioned in section two of this act, or by any company, association or corporation mentioned in section three of this act, shall escheat to the State of California. The attorney general shall institute proceedings to have such escheat adjudged

and enforced as provided in section five of this act. In such proceedings the court shall determine and adjudge the value of such leasehold, or other interest in such real property, and enter judgment for the State for the amount thereof together with costs. Thereupon the court shall order a sale of the real property covered by such leasehold, or other interest, in the manner provided by section 1271 of the Code of Civil Procedure. Out of the proceeds arising from such sale, the amount of the judgment rendered for the State shall be paid into the State treasury and the balance shall be deposited with and distributed by the court in accordance with the interest of the parties therein.

Sec. 7. Nothing in this act shall be construed as a limitation upon the power of the State to enact laws with respect to the acquisition, holding or disposal by aliens of real property in this State.

Sec. 8. All acts and parts of acts inconsistent or in conflict with the provisions of this act, are hereby repealed.

APPENDIX C

*THE AMERICAN-JAPANESE TREATY
OF 1911*

EXTRACTS FROM THE TREATY OF COMMERCE AND
NAVIGATION AND PROTOCOL BETWEEN JAPAN
AND THE UNITED STATES OF AMERICA

(February 21, 1911)

HIS Majesty, the Emperor of Japan, and the President of the United States of America, being desirous to strengthen the relations of amity and good understanding which happily exist between the two nations, and believing that the fixation in a manner clear and positive of the rules which are hereafter to govern the commercial intercourse between their respective countries will contribute to this most desirable result, have resolved to conclude a treaty of commerce and navigation.

ARTICLE I

The subjects or citizens of each of the high contracting parties shall have liberty to enter, travel, and reside in the territories of the other, to carry on trade, wholesale and retail, to own or lease and occupy houses, manufactories, warehouses, and shops, to employ agents of their choice, to lease land for residential and commercial purposes, and generally to do anything incident to or necessary for trade, upon the same terms as native subjects

or citizens, submitting themselves to the laws and regulations there established.

They shall not be compelled, under any pretext whatever, to pay any charges or taxes other or higher than those that are or may be paid by native subjects or citizens.

The subjects or citizens of each of the high contracting parties shall receive, in the territories of the other, the most constant protection and security for their persons and property and shall enjoy in this respect the same rights and privileges as are or may be granted to native subjects or citizens, on their submitting themselves to the conditions imposed upon the native subjects and citizens.

ARTICLE IV

There shall be between the territories of the two high contracting parties reciprocal freedom of commerce and navigation. The subjects or citizens of each of the contracting parties, equally with the subjects or citizens of the most favored nation shall have liberty freely to come with their ships and cargoes to all places, ports, and rivers in the territories of the other which are or may be opened to foreign commerce, subject always to the laws of the country to which they thus come.

ARTICLE V

. . . Neither contracting party shall impose any other or higher duties or charges on the exportation of any article to the territories of the other than are or may be payable on the exportation of the like article to any other foreign country.

Nor shall any prohibition be imposed by either country on the importation or exportation of any article from or to the territories of the other which shall not equally extend to the like article imported from or exported to any other country. . . .

ARTICLE VIII

There shall be perfect equality of treatment in regard to exportation. . . .

ARTICLE IX

. . . the intention of the contracting parties being that in these respects the respective vessels shall be treated on the footing of perfect equality.

ARTICLE XI

No duties of tonnage, harbor, pilotage, quarantine, or other similar duties . . . shall be imposed . . . which shall not equally under the same conditions be imposed on national vessels in general or on vessels of the most favored nation,

ARTICLE XIII

The coasting trade of the high contracting parties is excepted from the provisions of the present treaty and shall be regulated according to the laws of Japan and the United States respectively. It is, however, understood that the subjects or citizens of either contracting party shall enjoy in this respect most-favored-nation treatment in the territories of the other.

ARTICLE XIV

Except as otherwise expressly provided in this treaty, the high contracting parties agree that in all that concerns commerce and navigation, any privilege, favor, or immunity which either contracting party has actually granted or may hereafter grant, to the subjects or citizens of any other state shall be extended to the subjects or citizens of the other contracting party . . . on the same or equivalent conditions. . . .

Declaration

In proceeding this day to the signature of the treaty of commerce and navigation, . . . the undersigned has the honor to declare that the Imperial Japanese Government are fully prepared to maintain with equal effectiveness the limitation

and control which they have for the past three years exercised in regulation of the laborers to the United States.

(Signed) Y. UCHIDA.

APPENDIX D

AN ARGUMENT FOR NON- DISCRIMINATION

ARGUMENT IN FAVOR OF A NON-DISCRIMINATORY
ALIEN LAND LAW, BY J. O. DAVIS, CHAIRMAN
OF THE DEMOCRATIC CENTRAL COMMITTEE OF
CALIFORNIA.

“THE alien-ownership-of-land question in California could be settled permanently and satisfactorily by the enactment of legislation prohibiting the ownership of land by all aliens of whatever race and nationality.

“The enactment of legislation prohibiting the ownership of land by the citizens of any *particular* country means inevitable conflict between the State and the treaty-making power of our Government. The safe and sound course would be to avoid the possibility of any such conflict by enacting legislation that puts all aliens on an exact equality.

“During the recent agitation of the alien-ownership-of-land question, legislation directed against all aliens without distinction was opposed on the ground that our State needs foreign capital for its development. This objection, however, will not bear investigation, as foreign capital exploits rather than develops. All the profit of such

development is taken out of the country and does our own people and our own State no good whatever.

“The only possible advantage coming to us from the development of natural resources by a foreign corporation is giving us the opportunity to sell to such corporation labor and material. Those of our citizens who have advantageous connections with such corporations are also profited, but we can hardly consider any less than the whole people when considering legislation.

“Our conservation program contemplates the regulation of all natural resources for the benefit of the whole people. We are disregarding this principle if we permit our legislative conduct to be influenced in the interest of any less number of citizens than all our citizens. We cannot, therefore, consider the relatively small number of people who are benefited by the presence of foreign corporations engaged in developing our resources. Every citizen has an interest in the profits accruing from such development, and if the profits are being taken from the country, our citizens are being deprived of their interest in resources that belong to all our people.

“The highest privilege that can be conferred on a citizen by the Government is the right to hold

*title to a part of his country, and that man who is not sufficiently interested in our country and our institutions to declare his intention to become a citizen is not entitled to have conferred upon him the right and honor to own American soil.”*¹

¹ From Hichborn, 1913, as cited, p. 239, note. Italics, the present writer's.

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